

The Challenges of “Staying in Place” to Address Succession Planning

By [Michael D. Short](#) on April 27, 2016

Over the past few months, we’ve dedicated much of our blog space to the significant challenges associated with succession planning in law firms. Variations of this topic come up in most current conversations with clients and their comments tend to focus around several core themes, including those we have already explored:

- [Getting Succession Right: Remember – It’s Personal](#)
- [The Impact of Succession Challenges in Smaller Markets](#)
- [Succession Planning Challenges – No Real Surprises Here](#)

Another comment that we are hearing, and are adding to our analysis of the topic, is, “over the next year or two we need a few laterals to help us *stay in place*.” (Of course the leaders of these firms want to move forward strategically but they define the main objective, right now, as not losing ground while working through talent and client succession issues.) When stated this way, staying in place sounds like a noble and simple goal but the reality is that staying in place can be an *incredibly* difficult, if not impossible outcome to achieve.

I was reminded of this recently by a conversation with a friend who is, in fact, a rocket scientist. His company plays a role in the development of impressive missile and defense programs and I am always impressed by what he is allowed to tell me about his work (when it becomes unclassified, of course). One such project is an interesting naval ship defense system where, when under attack from incoming missiles, a ship can launch a set of hovering “rockets” that simply stay in place above the waterline between the ship and the inbound threat ([Nulka](#)). The theory is that these hovering objects will attract the threat and keep the retreating ship safe. My initial reaction to his description was that the system seemed cleverly simple in its concept and execution. My friend agreed that the concept of objects staying in place was conceptually simple but the execution was very complex from an engineering perspective for a variety of reasons. For example, this hovering “rocket” needs to stay vertical; it needs to stay in position while it is burning fuel and its weight is constantly changing; and its position is influenced by external forces such as wind. As such, the system is constantly making complex adjustments and addressing sometimes unpredictable influences to achieve an outcome that appears to be quite boring...staying in place.

A defense system that stays in place may actually be easier to engineer than a law firm that is trying to stay in place because the defense system dispassionately operates in support of only one acceptable outcome. Conversely, the leadership of a law firm is dealing with sometimes overly emotional beings with multiple options and highly unpredictable motivations. While the law firm leaders would like to think that the challenge before them is simply to replace senior talent, they regularly experience unanticipated departures and/or opportunistic and time-consuming additions in other areas that distract from the core mission at hand. Furthermore, firm leaderships assume that the young talent within the firm is developing according to plan, laterals actually deliver some reasonable fraction of the books that they promise, the new laterals stay, and the clients are accepting of these changes and stay with the firm. In execution, the simple becomes incredibly complex because constant adjustments are required during the process...just like my friend’s engineering challenge.

Given the complexities surrounding both situations, I think the goal of “staying in place,” as stated by law firm leaders, is a hopeful and unrealistic over-simplification of a complex challenge that is not really achievable. Perhaps the better way of looking at this is to go back to the brochure of the Nulka program, which states that this is a “self-defense system against active (threats)” that is “essential in providing...survivability under high stress conditions.” To me, *these* words better convey what is going on with respect to law firm succession planning. This challenge is so much more complex than just staying in place.